IN THE HIGH COURT OF JUDICATURE OF
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR. JUSTICE D.S.R.VARMA
AND
THE HON'BLE MR. JUSTICE P.LAKSHMANA REDDY

TAKEN UP WRIT PETITION NO.388 OF 2007

Dated : 5th February, 2007

Between:

Arya Rama Mohan Rao

Petitioner

AND

The District Medical and Health Officer,
Krishna District, at Machilipatnam and others

Respondents

THE HON'BLE MR. JUSTICE D.S.R.VARMA
AND
THE HON'BLE MR. JUSTICE P.LAKSHMANA REDDY

TAKEN UP WRIT PETITION NO.388 OF 2007

ORAL ORDER: **(per THE HON'BLE MR. JUSTICE D.S.R.VARMA)**

Heard the learned Government Pleader for Medical, Health and Family Welfare, representing the learned Advocate General, appearing for the respondents.

2. This writ petition is taken up on the basis of a petition, dated 16.11.2006, by the petitioner to the Hon'ble the Chief Justice, High Court of Andhra Pradesh, Hyderabad, alleging that due to the

treatment meted out in the hands of Dr. Koneru Sredhar, M.D., Dr. K.Nanda Kumar, M.B.B.S., and Dr. G.Lakshmi Prasad, M.S., at Kakatiya Clinic, Vijayawada, his son by name A.Vamsi Sri Ram, aged 14 years, suffered from fever for eight days, and eventually died, due to removal of the saline, injecting insufficient blood and conducting two operations simultaneously.

3. At the outset, we are of the view that this is a solitary case where the death of a boy had taken place because of the alleged negligent treatment by the Doctors. In such circumstances, in normal course, the petitioner ought to have approached the police making allegations, if any, against the Doctors, who are allegedly responsible for the death of his son or else he could have taken recourse to common law remedy claiming compensation by way of filing a civil suit or ought to have approached the Consumer Forum, for the deficiency of service, for the redressal.

4. This Court cannot be treated as a fact-finding Court in matters of this nature. In fact, investigation into such matters requires expertise from the personnel belonging to the medical field, for which a detailed enquiry has to be conducted, and then only a final decision could be arrived at as to whether the Doctors, named in the complaint, are responsible for the death of the boy or not.

5. For the foregoing, the petitioner is at liberty to avail the effective alternative remedy of approaching the police or the civil Court or any other remedy available under law, for redressal of his grievance.

6. With the above observations, this writ petition is closed, at the stage of admission. However, there shall be no order as to costs.

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D.S.R.Varma, J.

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P.Lakshmana Reddy, J.

05TH FEBRUARY 2007
MAS/KRK